

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
NORTHERN DIVISION

TIMOTHY W. GRIESE and  
LINDA K. GRIESE,

Plaintiffs,

v.

Case No: 04-10220-BC  
Honorable David M. Lawson

BAUER CORPORATION,  
FASTENAL COMPANY and  
STRNAD RIVET COMPANY,

Defendants,

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**ORDER ADOPTING MAGISTRATE JUDGE'S REPORT  
AND RECOMMENDATION AND GRANTING JUDGMENT FOR PLAINTIFF**

This matter is before the Court on a report issued by Magistrate Judge Charles E. Binder on July 17, 2006 pursuant to 28 U.S.C. § 636(b)(1)(B) and E.D. Mich. LR 72.1, recommending that the Court enter a default judgment against defendant Strnad Rivet Company and in favor of the plaintiff in the amount of \$1,250,000. Although the magistrate judge's report explicitly stated that the parties to this action may object to and seek review of the recommendation within ten days of service of the report, defendant Strnad did not file any objections. The defendant's failure to file objections to the report and recommendation waives any further right to appeal. *Smith v. Detroit Federation of Teachers Local 231*, 829 F.2d 1370, 1373 (6th Cir. 1987). Likewise, the failure to object to the magistrate judge's report releases the Court from its duty to independently review the motion. *Thomas v. Arn*, 474 U.S. 140, 149 (1985). However, the Court agrees with the findings and conclusions of the magistrate judge.

Accordingly, it is **ORDERED** that the magistrate judge's report and recommendation [dkt # 57] is **ADOPTED**, and judgment is awarded in favor of the plaintiff.

s/David M. Lawson  
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DAVID M. LAWSON  
United States District Judge

Dated: August 15, 2006

**PROOF OF SERVICE**

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on August 15, 2006.

s/Tracy A. Jacobs  
TRACY A. JACOBS